UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
(Eastern Division)

In re:	)
	)
	) Chapter 7
ANTHONY U. GIANNASCA,	) Case No. 11-19499-FJB
	)
Debtor	)
	)

OBJECTION OF BEACON ELECTRICAL DISTRIBUTORS, INC.
TO MOTION OF DEBTOR TO DETERMINE SECURED STATUS

Beacon Electrical Distributors, Inc. ("Beacon") hereby objects to the Motion of the

Debtor to Determine Secured Status (the "Motion") for the following reason:

1.   Beacon holds a judgment lien against the Debtor's property located at 9 Joseph

Street Medford, Massachusetts and 16-18 Joseph Street, Medford, Massachusetts (the

"Premises") securing an obligation of the Debtor in the amount of $22,808.63 as of the petition

date. This is the Debtor's second bankruptcy case since 2009. The Debtor's previous case

(Chapter 13 Case No. 09-20782) was voluntarily dismissed on or about March 30, 2011.

2.   The Motion fails to comply with MLBR 4003-1 in that it fails to provide the

information required by said Rule.

3.   As indicated in the Motion, other than *In re McNeal*, 2012 WL 1649853 (11th

Cir. May 11, 2012), Beacon is unaware of any authority that allows the "strip-off" of liens in a

Chapter 7 case with respect to property of a debtor used for commercial purposes such as 16-18

Joseph Street Medford, Massachusetts. Virtually all other courts to consider the issue have

interpreted *Dewsnup v. Timm*, 502 U.S. 410 (1992) to prohibit both strip-downs and strip-offs in

chapter 7. *In re Haberman*, 516 F.3d 1207, 1213 (10th Cir.2008); *In re Talbert*, 344 F.3d 555,

556 n. 1, 561–62 (6th Cir.2003); *Ryan v. Homecomings Fin. Network*, 253 F.3d 778, 781–83 (4th

Cir.2001). *See also In re Laskin*, 222 B.R. 872 (9th Cir. BAP 1998).

WHEREFORE, Beacon requests that this Court enter an order denying the Motion.

Respectfully submitted,
Beacon Electrical Distributors, Inc.

By its attorneys,

October 23, 2013   /s/ James M. Liston
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